

REMARKS

This patent application presently includes claims 1-44, all of which stand rejected. The claims are amended to conform them to the language of a disclosure document which is of record, and all rejections are respectfully traversed.

All claims stand rejected as anticipated by or obvious over Saha U.S. published application No. 2005/0105508. In response, the applicant has submitted a declaration swearing behind Saha, identifying an in-house disclosure of the invention to the assignee which predates Saha. The Examiner has refused to consider the declaration, arguing that the accompanying disclosure does not disclose the claimed invention. Although the applicant disagrees, it does not wish to delay the prosecution of the present application any further, and it has amended the claim language to conform it to the disclosure. Below, there is provided a detailed explanation of how the subject matter of the claims is present in the disclosure.

Inasmuch as the amendments made to the other independent claims are similar to those made to claim 1, this claim will be discussed in detail.

The preamble recites:

A method for controlling a voice-over-Internet (VOIP) network including session controllers for calls on the network, said method comprising:

Paragraph 1 of the disclosure relates to "the use of NexTone Session Controllers as network nodes integrated into ITXC.net." Those skilled in the art would know that ITXC.net is a VOIP network operated by ITC XC Corporation (see paragraph [0007] of the application. In any event, this is an in-house document, so any reader would be expected to know the meaning of "ITXC.net." The same paragraph speaks of "options to clear calls", so the disclosure clearly involves network control.

The claim continues:

obtaining information at a control location on the network concerning one or more VOIP calls gathered at one or more session controllers

Every network has at least one control location which controls operations. The last paragraph of paragraph 4 of the disclosure (the information provided by the inventor) states that the network “constructs an application that runs in the specific command … measuring the call ids and time values for each id.” Those skilled in the art would understand that such an application and generation of a command must occur at a control location. Furthermore, the remainder of paragraph 4 makes it clear that the calls are being handled by the session controllers. Paragraph 2 makes it clear that these VOIP session controllers.

The claim continues:

*analyzing the information to determine whether any
of the calls are inactive; and*

The second sentence of the disclosure portion of paragraph 4 states that “Any the call that is over the set time limit (180 min) will be released from the Session Controller, also via command line script.” The call duration can only be determined by analyzing the acquired information.

This disclosure also relates to the final portion of the claim, which recites:

*sending at least one command from the control
location to the one or more session controllers that
causes the session controllers to drop any VOIP
calls that are determined to be inactive.*

A command line script generates a command (must be at a control location) which causes a session controller to release a call, so the command must be sent to the session controller. Clearly a call over 180 minutes is being released, because it is considered inactive.

Thus every feature of claim 1 is present in the disclosure. Furthermore, careful review of the remaining independent claims will reveal that the same changes to claim language have been made to them. Therefore the subject matter of all the claims is present in the disclosure document, using the same language as the document. There can therefore be no doubt that the document discloses the subject matter of the claims.

Because the disclosure activity associated with the Rule 1.131 affidavit predates the Saha reference, the claim rejections all depend upon the availability of Saha as a reference against the

pending claims, and because the Applicant continues to assert the validity of the Rule 131 affidavit, this response does not include remarks in support of the patentability of the pending claims over the above-cited rejections.

In the response filed June 30, 2008, the applicant provided documentation and remarks in support of the required showing under 37 C.F.R. § 1.131 (b). Specifically, Applicant asserted the existence of conception prior to the effective date of the Saha reference coupled with due diligence from prior to said date to the filing date of the present application. That assertion is repeated now, and it is now clear that any rejection based on Saha should be withdrawn.

Since the independent claims are rejected only over the Saha reference (which has been antedated, as shown above), it follows that the outstanding rejections have been overcome, and that the independent claims are patentable. Moreover, the dependent claims are patentable by virtue of their dependency from their respective independent claims. Based on the foregoing, all pending claims are allowable.

Applicant therefore respectfully requests reconsideration and allowance in view of the above remarks and amendments. Should there remain any unanswered questions, the examiner is requested to call the undersigned at the telephone number indicated below.

It is not believed that all fees that are due with this paper have been paid. However, in the event there are any further fees due and owing in connection with this matter, please charge the same to our Deposit Account No. 50-4711.

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Respectfully submitted,

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